

REMARKS

Claims 10-14 and 18-32 are pending in the Application, and all were rejected in the Office Action mailed March 5, 2008 (hereinafter "Office Action"). No claims are amended by this response. Claims 10, 18, 26, and 28 are independent claims, while claims 11-14, 19-25, 27, and 29-32 depend either directly or indirectly from independent claims 10, 18, 26, and 28, respectively.

The Applicants respectfully request reconsideration of claims 10-14 and 18-32, in light of the following remarks.

Rejection of Claims Under 35 U.S.C. §103(a)

Claims 10-12, 14, and 18-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Spencer, et al., U.S. Publication No. 2003/0131226 (hereinafter "Spencer") and further in view of Waldin, Jr. et al., U.S. Publication No. 2003/0177485 (hereinafter "Waldin"). Additionally, claims 13, and 26-32 were rejected as being unpatentable over Spencer/Waldin and further in view of Yang, U.S. Publication No. 2004/0040020 (hereinafter "Yang"). Also, claims 10-12, 14, and 18-25 were rejected as being unpatentable over Sharon Peleg, WO0011549 (hereinafter "Sharon") in view of Waldin. Finally, claims 13 and 26-32 were rejected as being unpatentable over Sharon/Waldin and further in view of Yang. Applicant respectfully traverses these rejections for reasons already pointed out in previous responses, as well as for reasons pointed out below.

Rejection of Claims 10-12, 14, and 18-25 as Being Unpatentable Over Spencer and Further in View of Waldin

Turning first to claim 10, Applicant notes that claim 10 recites a method comprising, *inter alia*, communicating the reference lookup table to the mobile electronic device, to enable the mobile electronic device to resolve the symbolic references in the program instruction to a memory address in the mobile electronic device, during

program instruction execution. Applicants respectfully submit that neither Spencer nor Waldin, either alone or in combination, teach, suggest, or otherwise render obvious a method comprising generating an associated reference lookup table as claimed in claim 10, let alone communicating the reference lookup table to the mobile electronic device, to enable the mobile electronic device to resolve the symbolic references in the program instruction to a memory address in the mobile electronic device, during program instruction execution.

As an initial matter, Applicants notes that the Office Action provides a table, beginning at page 2 of the Office Action, that lists claim elements on the left side, and portions of "Spencer/Waldin" that the Office Action asserts as disclosing a particular element identified on the right side. However, at the end of that table, the element "communicating the reference lookup..." is listed on the left hand side, but no citation to prior art or evidence is provided on the right hand side for that element. Moreover, the discussion following that table, on pages 3-5 of the Office Action, assert teachings of the prior art related to, for example, "retrieving an existing code and an updated version of the code," "comparing one version with another," "generating a reference lookup table" and "the feature of lookup tables." However, none of the assertions made identify the required step of communicating the reference lookup table to the mobile electronic device, to enable the mobile electronic device to resolve the symbolic references in the program instruction to a memory address in the mobile electronic device, during program instruction execution. Applicants are unable to find, in either the table or following discussion in the Office Action, an identification of where that step is found in the prior art, or how that step would be obvious in light of the prior art. Applicants therefore respectfully submit that the Office Action does not establish a *prima facie* case of obviousness.

For example, in connection with the step of "generating an associated reference lookup table...", the Office Action asserted that, "The reference lookup table is considered represented by the 'configuration list' in sect. 0040." However, the Office Action does not identify any step disclosed in Spencer of communicating Spencer's

"configuration list" (the asserted reference lookup table) to the mobile electronic device, to enable the mobile electronic device to resolve the symbolic references in the program instruction to a memory address in the mobile electronic device, during program instruction execution. At paragraph [0040], Spencer describes the asserted configuration list:

If the device is not properly configured, the configuration manager presents a list of the missing program components, or program components whose version is older than the acceptable version, to the user and receives a user selection of program components to be transferred to the device (225). The list of missing program components is based on the configuration list sent out from the remote system and contains the requested and recommended program components for the device and the type of action. When the user has made a selection of program components in the missing program component list, the selected program components are transferred to the configuration manager from the remote system or from the various locations provided in the configuration list (230). The configuration manager installs the transferred program component on the device after the program components have been received according to instructions that are included in the configuration list that was received by the configuration manager in step 210. The instructions include, for example, in what order the program components should be installed. Alternatively, the program components can be temporarily stored on the device and the installation can be initiated by a user at a different time. After the program components have been installed, the process checks again if the device is configured according to the configuration list (235). If the device is properly configured, the process indicates to the user that the device is configured to perform the action on the selected media file (240) and continues to step 220, where it performs the desired action when appropriate, and otherwise the process returns to step 230 where it continues to transfer the selected program components, as described above.

(emphasis added). The "configuration list" of Spencer is quite different from the presently claimed subject matter in a number of ways. Applicants initially submit that the configuration list of Spencer does not disclose a reference lookup table as claimed,

for example, with each entry associating a symbolic reference in the updated version of code with a memory address in the mobile electronic device. The Office Action asserted, "Also, in reference to each entry associating a symbolic reference to a memory address is considered provided by program components located anywhere throughout the program to enable the items to be located for comparison purposes to determine differences." Even if, *arguendo*, such an interpretation were correct, it would not disclose communicating the reference lookup table to the mobile electronic device, to enable the mobile electronic device to resolve the symbolic references in the program instruction to a memory address in the mobile electronic device, during program instruction execution. For example, "program components located anywhere" does not teach, suggest, or otherwise render obvious, *inter alia*, the step of communicating a reference lookup table to enable a mobile electronic device to resolve symbolic references during program instruction execution. Moreover, enabling "the items to be located for comparison purposes to determine differences" is quite different from enabling the mobile electronic device to resolve the symbolic references in the program instruction to a memory address in the mobile electronic device, during program instruction execution. The "configuration list" of Spencer lists "missing program components" and does not enable resolving symbolic references in the program instruction, let alone enable resolving symbolic references in the program instruction during program instruction execution.

From the cited portion above, the "missing program components" of Spencer's "configuration list" are transferred and installed after a user selects program components to be transferred (see *also* Fig. 2 of Spencer). Spencer does not disclose communicating its "configuration list" to the mobile electronic device, to enable the mobile electronic device to resolve the symbolic references in the program instruction to a memory address in the mobile electronic device, during program instruction execution. (See *also* Fig. 2 of Spencer, where step 220 "Perform action on selected media file" is only performed after answer of "yes" to "Is device configured according to configuration list?"). As a result of the foregoing, Applicants respectfully submit that Spencer, either alone or in combination with other cited art, does not teach, suggest, or otherwise

render obvious at least the step of communicating the reference lookup table to the mobile electronic device, to enable the mobile electronic device to resolve the symbolic references in the program instruction to a memory address in the mobile electronic device, during program instruction execution.

Applicants further respectfully submit that Waldin does not remedy the deficiencies in the teaching of Spencer. Again, the Office Action did not cite to any specific portion of Waldin as disclosing the step of "communicating the reference lookup table...", or for that matter, provide an explanation as to how or why Waldin could be seen as disclosing the step of "communicating the reference lookup table." The Office Action did assert that "Waldin is also considered to provide for the feature of lookup tables via his (catalogs or Delta catalogs), which are provided as options become available (created)," citing Waldin at [0033] – [0036]. While Applicants respectfully traverse that Waldin's "catalogs or Delta catalogs" disclose generating a reference lookup table as claimed in claim 10, Applicants further submit that, even if, *arguendo*, Waldin were interpreted as generating a reference lookup table, Waldin still fails to disclose the required step of communicating the reference lookup table to the mobile electronic device, to enable the mobile electronic device to resolve the symbolic references in the program instruction to a memory address in the mobile electronic device, during program instruction execution.

For example, Waldin states, in [0036], "Each DeltaCatalog has an associated source state and an associated destination state and specifies the necessary update information by specifying which DeltaPackages 122 should be used by each flavor of the application to update from the source state to the destination state." Thus, Waldin's "DeltaCatalog" (asserted as providing the lookup table) has a source state and an associated destination state and specifies update information to update an application to the "destination state," which is quite different from, and does not disclose, the step of communicating the reference lookup table to the mobile electronic device, to enable the mobile electronic device to resolve the symbolic references in the program instruction to a memory address in the mobile electronic device, during program instruction execution.

The Office Action asserted that the teaching of Waldin would "enable changes to be provided for as they become available and incrementally (resolving symbolic references) to change functionality from a current state to an ending state (during program execution)." However, even if taken for the purposes of argument as true, a teaching of "chang[ing] functionality from a current state to an ending state" does not teach making such a change (let alone resolving symbolic references) during program instruction execution. This is particularly so as the "program instruction execution" of the "communicating step..." of claim 10 is explicitly recited as being a part of the code itself ("the existing and the updated version of code comprising program components each comprising a plurality of program instructions.") Thus, the act of updating (as asserted by the Office Action as occurring in Waldin) is distinct from the resolving of symbolic references during program instruction execution. Put another way, the Waldin DeltaCatalog is disclosed as performing an update (changing "from a current state to an ending state") to a program, whereas the reference lookup table of the presently claimed subject matter enables the mobile electronic device to resolve symbolic references in the program instruction during program instruction execution -- updating a program is quite different from executing a program. As a result, Applicants respectfully submit that Waldin does not teach, suggest, or otherwise render obvious claim 10.

Because neither Waldin nor Spencer disclose the required step of "communicating the reference lookup table..." of claim 10, Applicant further submits that the proposed combination of the two would not result in the presently claimed subject matter, and could not teach, suggest, or otherwise render obvious claim 10, or any claim that is dependent from claim 10.

Turning now to claims 18-25, the Office Action further rejected those claims as it did claim 10 in view of Spencer and Waldin. However, independent claim 18 (from which claims 19-25 depend) requires, *inter alia*, "a reference lookup table management unit employed by the processor to, at least, resolve a symbolic reference in a program instruction to a memory address in the one or both of primary memory and secondary memory, during program instruction execution." Again, similar to the above discussion,

Applicant respectfully submits that the aspects of Waldin and/or Spencer asserted as "reference lookup tables" by the Office Action are not employed by a processor to resolve a symbolic reference in a program instruction, let alone to resolve a symbolic reference in a program instruction to memory address in the one or both of primary memory and secondary memory, during program instruction execution (for example, the cited aspects of Waldin and/or Spencer are disclosed therein as utilized during program updates (before program execution) and not during program execution). For at least the above discussed reasons, Applicants therefore respectfully submit that Spencer and Waldin, either alone or in combination, do not teach, suggest, or otherwise render obvious claim 18, or any claim dependent from claim 18.

Rejection of Claims 13, and 26-32 as Being Unpatentable Over Spencer/Waldin and Further in View of Yang

The Office Action further rejected claims 13 and 26-32 as being unpatentable over "Spencer/Waldin...as applied to claim 10 above, and further in view of Yang." Applicants have previously submitted the showing required by the MPEP for showing common ownership, and again respectfully submit that their previous submissions have satisfied the requirements. The Office Action did not provide any citation or authority supporting its requirement that affidavits be filed. The Office Action further stated that "nothing in the applicant's statements indicates when Bitfone Corporation became a wholly owned subsidiary of Hewlett Packard Corp." However, at p. 34 of the Request for Continued Examination filed on November 21, 2007, the Applicants submitted that the acquisition of Bitfone Corporation by Hewlett-Packard Company was completed on February 7, 2007. The Applicants also submitted a web address where that information was publicly available. While Applicants again respectfully submit that they have made the required showing of common ownership (See MPEP §706.02(I)(2)(II)), Applicants nevertheless provide an additional statement in this response.

Applicants' Representative appreciated the opportunity to discuss this issue with Examiner John Chavis during a telephone call on April 2, 2008. During that discussion,

Examiner Chavis explained that he wanted specific language to be used in the traversal of the rejection of claims 13 and 26-32 under 35 U.S.C. §103(a) over the proposed combination of Spencer, Waldin and Yang, beyond that required by M.P.E.P. §706.02. In accordance with the Examiner's requirement, the Applicants provide the following:

Applicants respectfully submit that, in accordance with 35 U.S.C. 103(c), Yang is not a valid reference in the rejection of claims 13 and 26-32 under 35 U.S.C. 103(a). Applicants hereby state that, at the time the invention was made, Yang and the inventors in the Application were under a common obligation to assign ownership of the entire interest in the respective inventions, to Bitfone Corporation.

Based at least upon the above, Applicants respectfully submit that the rejection of claims 13 and 26-32 under 35 U.S.C. §103(a) has been traversed, and request that the rejection be reconsidered and withdrawn.

Rejection of Claims 10-12, 14, and 18-25 as Being Unpatentable Over Sharon in View of Waldin

The Office Action also rejected claims 10-12, 14, and 18-25 as being obvious over Sharon in view of Waldin. Similar to the Spencer/Waldin rejection above, the Office Action provides a table, beginning at page 2 of the Office Action, that lists claim elements on the left side, and portions of "Sharon/Waldin" that the Office Action asserts as disclosing that element identified on the right side. However, at the end of that table, the element "communicating the reference lookup..." is not listed on the left hand side, and, as a result, no citation to prior art or evidence is provided on the right hand side for that element. Nor is there any discussion following that table in the Office Action, asserting teachings of the prior art related to the required step of communicating the reference lookup table to the mobile electronic device, to enable the mobile electronic

device to resolve the symbolic references in the program instruction to a memory address in the mobile electronic device, during program instruction execution. Applicants are unable to find, in either the table or following discussion in the Office Action, an identification of where that step is found in the prior art, or how that step would be obvious in light of the prior art. Applicants therefore respectfully submit that the Office Action does not establish a *prima facie* case of obviousness.

In connection with the “generating an associated reference lookup table...” step, the Office Action cites page 6 and page 11, line 29 – page 14, line 24 of Sharon. As an initial matter, Applicant respectfully disagrees that the cited portion of Sharon teaches, suggests, or otherwise renders obvious the step of generating an associated reference lookup table. In any event, even if, *arguendo*, Sharon did disclose the “generating...” step, Applicant further respectfully submits that Sharon does not teach, suggest, or otherwise render obvious the step of communicating the reference lookup table to the mobile electronic device, to enable the mobile electronic device to resolve the symbolic references in the program instruction to a memory address in the mobile electronic device, during program instruction execution, as required by claim 10. For example, Sharon relates to a method of “generating a compact difference result” or “performing an update in an old program so as to generate a new program.” (See Sharon at p. 6.) As before, performing an update on a program is different from executing that program. Moreover, the “data tables” of pages 11-14 “include[e] reference entries that contain reference that refer to other entries in the data table.” (See, e.g., Sharon at p. 12, lines 17-18). Thus, the “data tables” of Sharon do not disclose a reference table that enables a mobile electronic device to resolve symbolic references in the program instruction to a memory address in the mobile electronic device, let alone the step of communicating the reference lookup table to the mobile electronic device, to enable the mobile electronic device to resolve the symbolic references in the program instruction to a memory address in the mobile electronic device, during program instruction execution. From above, Waldin (or Spencer, for that matter) does not remedy that deficiency in the teaching of Sharon. As such, Applicants respectfully submit that Sharon, either alone or in combination with other cited art, does not teach, suggest, or otherwise render obvious

claim 10 or any claim dependent from claim 10, or any claim that depends from claim 10.

With respect to claims 18-25, Applicant again notes that independent claim 18 (from which claims 19-25 depend) requires, *inter alia*, "a reference lookup table management unit employed by the processor to, at least, resolve a symbolic reference in a program instruction to a memory address in the one or both of primary memory and secondary memory, during program instruction execution." Again, similar to the above discussion, Applicant respectfully submits that the aspects of Sharon (as well as Waldin and/or Spencer) asserted as "reference lookup tables" by the Office Action are not employed by a processor to resolve a symbolic reference in a program instruction, let alone to resolve a symbolic reference in a program instruction to memory address in the one or both of primary memory and secondary memory, during program instruction execution. For at least the above discussed reasons, Applicants therefore respectfully submit that Spencer and Waldin, either alone or in combination, do not teach, suggest, or otherwise render obvious claim 18, or any claim dependent from claim 18.

Rejection of Claims 13 and 26-32 as Being Unpatentable Over Sharon/Waldin and Further in View of Yang

Claims 13 and 26-32 were rejected as being obvious over Sharon/Waldin as applied to claim 10, and further in view of Yang. Applicants reiterate their above discussion regarding common ownership in connection the rejection of claims 13 and 26-32 over Spencer/Waldin in view of Yang, and respectfully submit that claims 13 and 26-32 are allowable for at least the same reasons.

Conclusion

In general, the Office Action makes various statements regarding claims 10-14 and 18-32 and the cited references that are now moot in light of the above. Thus, Applicants will not address such statements at the present time. However, the Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a rejection of any current or future claim).

The Applicants believe that all of claims 10-14 and 18-32 are in condition for allowance. Should the Examiner disagree or have any questions regarding this submission, the Applicants invite the Examiner to contact the undersigned at (312) 775-8000 for an interview.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

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